

THE COVENANT MARRIAGE ACT



2004

Louisiana Department of Justice

*Charles C. Foti, Jr.
Attorney General*



**Charles C. Foti, Jr.
Attorney General**

This pamphlet entitled “The Covenant Marriage Act” is provided by my office in accordance with Louisiana’s Revised Statutes 9:272 et seq., to provide a full explanation of the covenant marriage laws. I hope this pamphlet is a helpful resource tool and I extend my congratulations and best wishes to you!

CONTACT INFORMATION:

**Louisiana Department of Justice
1885 North Third Street
Baton Rouge, Louisiana 70802
(225) 326-6000
www.ladoj.ag.state.la.us**



A COVENANT MARRIAGE

“We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage.

We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a Covenant Marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Louisiana law on Covenant Marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.”

Contracting a Covenant Marriage

The couple who chooses to enter into a Covenant Marriage agrees to be bound by two significant provisions on obtaining a divorce or separation. These stipulations do not apply to other couples married in Louisiana:

1. The couple legally agrees to seek marital counseling if problems develop during the marriage; and
2. The couple can only seek a divorce or legal separation for limited reasons, as explained herein.

DECLARATION OF INTENT

“We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter this marriage. We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a Covenant Marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Louisiana law on Covenant Marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.”

DECLARATION OF INTENT

In order to enter into a Covenant Marriage, the couple must sign a recitation that provides:

- A marriage is an agreement to live together as husband and wife forever;
- The parties have chosen each other carefully and disclosed to each other “everything which could adversely affect” the decision to marry;
- The parties have received premarital counseling;
- A commitment that if the parties experience marital difficulties they commit to take all reasonable efforts to preserve their marriage, including marital counseling; and
- The couple must obtain premarital counseling from a priest, minister, rabbi, or similar clergyman of any religious sect, or a professional marriage counselor.

After discussing the meaning of a Covenant Marriage with the counselor, the couple must also sign, together with an attestation by the counselor, a notarized affidavit to the effect that the counselor has discussed with them:

- The seriousness of a Covenant Marriage;
- That the commitment to the marriage is for life; and
- The obligation of the couple to seek marital counseling if problems arise in their marriage.

These two documents, which comprise the Declaration of Intent - the recitation and the affidavit with attestation - must be presented to the official who issues the marriage license, along with the couple’s application for a marriage license.

RIGHTS AND OBLIGATIONS OF COVENANT SPOUSES

In addition to the obligations of fidelity, support and assistance, which all Louisiana couples owe, covenant spouses owe each other love and respect. They are bound to live together unless there is good cause otherwise. They determine the family residence by mutual consent. The management of the household is both the right and the duty of both spouses. Decisions within the family are to be made by mutual consent of the spouses after collaboration, always in the best interest of the family. Covenant spouses are obligated to teach and educate children born of the marriage in accordance with their capacities, natural inclinations and aspirations and shall prepare them for their future.

LEGAL SEPARATION IN A COVENANT MARRIAGE

In order to obtain a legal separation (which is not a divorce and therefore does not end the marriage), a party to a Covenant Marriage must first obtain counseling and then must prove:

- Adultery by the other spouse; or
- Commission of a felony by the other spouse and a sentence of imprisonment at hard labor or death; or
- Abandonment by the other spouse for one year; or
- Physical or sexual abuse of the spouse or of a child of either spouse; or
- The spouses have lived separate and apart for two years; or
- Habitual intemperance (for example, alcohol or drug abuse), cruel treatment, or severe ill treatment by the other spouse.

DIVORCE IN A COVENANT MARRIAGE

A marriage that is not a Covenant Marriage may be ended by divorce more easily than a Covenant Marriage. In a marriage that is not a Covenant Marriage, a spouse may, pursuant to Civil Code Article 102, file for a divorce and receive a judgment upon proof that the spouses have lived separate and apart for six months since the service of the petition for divorce. They may also, pursuant to Civil Code Article 103, get an immediate divorce for adultery by the other spouse, conviction of a felony by the other spouse and a sentence of hard labor or death, or by proof that the spouses have lived separate and apart continuously for six months before filing for divorce.

In a Covenant Marriage a spouse may get a divorce only after receiving counseling which shall occur once the spouses experience marital difficulties and shall continue until the divorce, unless the other spouse has physically or sexually abused the spouse or a child of the parties. A covenant spouse may only get a divorce for one of the following reasons:

- Adultery by the other spouse; or
- Commission of a felony by the other spouse and a sentence of imprisonment at hard labor or death; or
- Abandonment by the other spouse for one year; or
- Physical or sexual abuse of the spouse or of a child of either spouse; or
- The spouses have lived separate and apart for two years; or
- The spouses are judicially or legally separated and have lived separate and apart since the legal separation for:
 - (a) one year and six months if there is a minor child or children of the marriage;
 - (b) one year if the separation was granted for abuse of a child of either spouse;
 - (c) one year in all other cases.

SAMPLE AFFIDAVIT

STATE OF LOUISIANA

PARISH OF

BE IT KNOWN THAT on this ____ day of _____, _____,
before me the undersigned notary, personally came and appeared:

(Insert names of the prospective spouses)

who after being duly sworn by me, Notary, deposed and stated that:

Affiants acknowledge that they have received premarital counseling from a priest, minister, rabbi, clerk of the Religious Society of Friends, any clergyman of any religious sect, or a professional marriage counselor, which marriage counseling included:

A discussion of the seriousness of Covenant Marriage;

Communication of the fact that a Covenant Marriage is a commitment for life;

The obligation of a Covenant Marriage to take reasonable efforts to preserve the marriage if marital difficulties arise, and

That the affiants both read the pamphlet entitled "The Covenant Marriage Act" developed and promulgated by the office of the attorney general, which provides a full explanation of a Covenant Marriage, including the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a Covenant Marriage by divorce or divorce after a judgment of separation from bed or board.

(Name of prospective spouse)

(Name of prospective spouse)

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____
DAY OF _____, _____.

NOTARY PUBLIC

ATTESTATION

The undersigned does hereby attest that the affiants did receive counseling from me as to the nature and purpose of marriage, which included a discussion of the seriousness of Covenant Marriage, communication of the fact that a Covenant Marriage is for life, and the obligation of a Covenant Marriage to take reasonable efforts to preserve the marriage if marital difficulties arise.

Counselor

NOTES:

A NOTE TO PRESENTLY MARRIED COUPLES

Couples who are already married may execute a declaration of intent to designate their marriage a Covenant Marriage. They must sign a recitation and an affidavit similar to those described in this pamphlet, after receiving counseling. The counselor must attest to the counseling. This intent to designate their marriage a Covenant Marriage must be filed with the official who issued their marriage license and with whom the marriage certificate of the couple is filed.

If the couple was married outside of Louisiana, a copy of their marriage certificate, with the declaration of intent, shall be filed with the officer who issues marriage licenses in the parish of the couple's domicile.